

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Richmond Division

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 3:19-CR-130-MHL
)	
OKELLO T. CHATRIE,)	
)	
Defendant.)	

GOVERNMENT’S RESPONSE TO
DEFENDANT’S MOTION FOR ISSUANCE OF A SUBPOENA DUCES
TECUM PURSUANT TO RULE 17(C)

The United States of America, by its undersigned attorneys, hereby responds to the Defendant’s motion for the issuance of a subpoena duces tecum pursuant to Federal Rule of Criminal Procedure 17(c) for records and documents from Google, LLC. As the Court’s Order directing a response by February 11, 2020 explained, the United States maintains that the Federal Rules of Criminal Procedure envision that the third-party documents of Google be pursued not from the United States under Rule 16, but via Rule 17. (ECF No. 83). Without conceding the ultimate issue of whether these subpoenas should be quashed, the United States does not oppose the Court’s issuance of the Rule 17(c) subpoenas to permit Google to either provide these documents to the Court and, by extension, the parties, or to move to “quash or modify” the subpoenas because “compliance would be unreasonable or oppressive.” Fed. R. Crim. P. 17(c)(2); *see also United States v. Rand*, 835 F.3d 451, 462 (4th Cir. 2016). Stated simply, Google is best positioned to assess these requests.

Respectfully submitted,

G. ZACHARY TERWILLIGER
UNITED STATES ATTORNEY

By: _____/s/_____

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of February, 2020, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send an electronic notification of such filing to the following:

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